

conditioning compositions taught therein with the cradle cap kit in Eriksen to find all of the elements of the claimed invention. The Applicants respectfully disagree.

The Applicants submit that although Chaussee teaches skin conditioning compositions for reducing the tendency of skin to scale, redden and flake and promotes removal of scaly layers (col. 3, lines 7-10), Chaussee does not provide any teaching or suggestion for using such skin conditioning compositions with treatments that already claim to remove scaly layers and reduce the tendency of skin to scale, as taught in Eriksen. Specifically, although Chaussee teaches the use of its invention for treatment of dry scalp conditions, Chaussee contemplates that the compositions are the sole source of skin and scalp conditioning treatment after use of shampoos or detergents that may dry the scalp. Chaussee does not teach or suggest that the skin conditioning treatment as a necessary step after shampooing if the shampoo composition itself contains conditioning properties or if some other type of conditioning is provided. In fact, Chaussee teaches combining the conditioning treatment within a shampoo composition (See Example IX and X). Therefore, there is no teaching or suggestion in Chaussee to combine the skin conditioning composition taught therein as a last step to the cradle cap treatment method in Eriksen since Eriksen itself teaches a moisturizing shampoo as the final step to treatment of cradle cap. In contrast, the Applicants' invention not only contemplates the need for additional moisturizing beyond the initial conditioning step, scale removal step and cleansing step, but provides a solution as a final step beyond merely shampooing the scalp. None of the prior art references cited suggest or teach an additional moisturizing step for the treatment of cradle cap in infants. The Applicants therefore submit that a person skilled in the art would find no motivation in Chaussee to combine the conditioning composition with shampoo compositions and oil compositions that already claim to resolve the problem of dry scales on the scalp of infants. The Applicants submit that such a combination would only be a result of hindsight reconstruction based on the teachings and claims in the present application.

The Applicants respectfully submit that the claims are therefore patentable in view of Eriksen and Chaussee and request that claims 1-2, 5-10 and 13-16 be allowed.

35 U.S.C. §103 REJECTION OF CLAIMS 3-4 AND 11-12

The Office Action rejects claims 3-4 and 11-12 under 35 U.S.C. §103(a) as being unpatentable over Eriksen in view of U.S. Patent No. 5,221,534 issued to DesLauriers et al. ("DesLauriers").


Claims 3-4 and 11-12 depend from independent claims 1 and 8, respectively and the independent claims 1 and 8 are believed to be patentable for the arguments presented above. Therefore, the Applicants submit that the dependent claims 3-4 and 11-12 are patentable as depending from patentable base claims.

In view of the remarks contained above, Applicants respectfully request reconsideration of the application, withdrawal of the 35 USC §103 rejections, and request that a Formal Notice of

Allowance be issued for claims 1-16. Should the Examiner have any questions about the above remarks, the undersigned attorney would welcome a telephone call.

Respectfully submitted,

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